

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 06 DEC 2004

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To:

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

**01-12-2004**

Applicant's or agent's file reference

52228-1 WO

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

PCT/IB 2004/002001

International filing date (day/month/year)

16-06-2004

Priority date (day/month/year)

01-03-2004

International Patent Classification (IPC) or both national classification and IPC

A63F13/12

Applicant

NOKIA CORPORATION ET AL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I      Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language, \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2-18, 20, 22-30, 33, 35-44, 47, 48, 50</u>	YES
	Claims	<u>1, 19, 21, 31, 32, 34, 45, 46, 49</u>	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-50</u>	NO
Industrial applicability (IA)	Claims	<u>1-50</u>	YES
	Claims	_____	NO

2. Citations and explanations:

Documents cited in the International Search Report:

D1: WO 0172064 A1

D2: US 5971855 A

D1 discloses a downloading system for mobile terminals, e.g. cellular phones, which includes a server connected to the internet where games are stored and which can be transferred to the mobile terminal either directly or via a desktop computer.

D2 discloses a system where games or game updates can be downloaded to a mobile terminal via a computer which is connected to the internet.

D1 is considered to be the most relevant document.

The applied invention relates to a method and system for downloading games to a game-enabled cellular phone. The invention seeks to solve the problem of having to download large amount of data over a low-bandwidth connection to a cellular phone, which in most cases has relatively low memory and battery capacity. The stated problem is solved by including a downloading module that has an internet connection to a server, where said server stores games which can be downloaded. A game which is to be downloaded to a cellular phone is firstly downloaded from the server via an internet connection to a download module, and then the game is downloaded from the module to the cellular phone via a local connection between the phone and the module.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.  
Continuation of: BOX V

Referring to claims:

1, 19, 21, 31, 32, 34, 45, 46, 49:

The invention according to claim 1 relates to a method for downloading a game to a cellular phone from a server. The game is downloaded from the server via an internet connection to a download module, and then the game is downloaded from the module to the phone via a local connection.

D1 discloses the problem stated in the application (see page 1, row 20 to page 2, row 15). D1 further discloses a solution (see page 9, row 7-14 and figure 1) which includes downloading a game from a server to cellular phone, where the game is firstly downloaded to a PC (corresponds to the downloading module) from the server via an internet connection and then the game is downloaded from the PC to the cellular phone via a local connection (in this case a serial/parallel data input/output port using an additional cable).

Hence, D1 discloses an invention which solves the problem stated in the application. The solution stated in claim 1 is the same as the one disclosed in D1.  
Therefore, the invention according to claim 1 lacks novelty.

D2 discloses an apparatus and method for downloading games from a server to a mobile terminal. The game is firstly downloaded from the server to a PC via an internet connection and then the game is downloaded from the PC to the mobile terminal via local connection (see column 2, row 33-51, column 3, row 34 to column 4, row 9 and figure 1B). Hence, D2 also discloses an invention which solves the problem stated in the application. Claim 1 differentiates though from D2 by describing a game-enabled cellular phone, while D2 describes a portable gaming device. However, game-enabled cellular phones are well known in the art and have been around for years. A person skilled in the art would, without use of any inventive skills, download games to a cellular phone by using the invention disclosed in D2.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Therefore, considering D2, the invention according to claim 1 does not involve an inventive step.

The argumentation regarding claim 1 is also valid for claims 19, 21, 32, 34, 45, 46 and 49.

Therefore, the invention according to claims 19, 21, 32, 34, 45, 46 and 49 lacks novelty.

Claim 31 describes a cellular phone having a built-in download module. From D1 (see figure 1) it is clearly illustrated that the mobile phone can access the game server via a wireless Internet service system, and therefore the cellular phone (although not explicitly mentioned) obviously must have built-in components that enables the phone to communicate and download information from the game server. Therefore, the invention according to claim 31 lacks novelty.

Referring to claims 2-18, 20, 22-30, 33, 35-44, 47, 48, 50:

The invention according to the above mention dependent claims lacks an inventive step because said claims only describe a large amount of ways of connecting the components mentioned in the independent claims. All the alternatives mentioned in the dependent claims are well known in the technical field of data communication and therefore only represent obvious and in the art well known ways of connecting and transferring data.